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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,907	01/17/2002	Richard M. Olsen	10306-004-999	5312
20582	7590	06/07/2005	EXAMINER	
JONES DAY			CHEN, TE Y	
51 Louisiana Aveue, N.W			ART UNIT	
WASHINGTON, DC 20001-2113			PAPER NUMBER	
			2161	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,907

Applicant(s)

OLSEN ET AL.

Examiner

Susan Y. Chen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 1-43 and 67-83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

RD

## **DETAILED ACTION**

### ***Election/Restrictions***

This office action is responsive to the Election of Restriction filed on March 7, 2005. Applicant has elected group IV (claims 44-66) with traverse for prosecution. Applicant is reminded to cancel claims that are not elected.

The examiner disagrees with applicant's arguments of the restrictions. The traverse is on the ground(s) that the search and examination of the group IV and V application could be made with more efficiency. This is not found persuasive, because the inventions described in Group IV and V are distinct, and utility of group V clearly not necessary be imposed on group IV, because the two groups is definite not the same ( i.e., Group IV is concerning with multiple computer data transferring while Group V is with programmable time series data logic processing). Therefore, a serious burden would be placed on the examiner to search four distinct and separate inventions.

The requirement is still deemed proper and is therefore made final.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Langseth et al. (U.S. Patent No. 6,741,980).

As to claim 44, Langseth et al. (hereinafter referred as Langseth) discloses a system for processing data from one or more time series [e.g., Abstract; col. 3, lines 9 – col. 4, lines 51], comprising:

- a) one or more processing modules for processing the data [e.g., the unit 10, Fig. 1 and associated texts];
- b) one or more connections for linking the modules in a network [e.g., the unit 24, Fig. 3 and associated texts];
- c) a first subsystem for activating the one or more processing modules and for moving the data through the network [e.g., the units: 44, 42, Fig. 2B and associated texts; col. 11, lines 45-50; col. 12, lines 4-33].

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As to claim 45, except the features recited in claim 44, Langseth further discloses that the system including a type system [e.g., the channel databases system, col. 4, lines 16-23] comprising: (a) one or more types [e.g., col. 7, lines 10-11]; and (b) a relation among the one or more types [e.g., col. 7, lines 11-15].

As to claim 46, except the features recited in claim 45, Langseth further discloses that the system including a grammar to describe the types in the type system [e.g., the predetermined conditions for processing a service, col. 7, lines 56 – col. 8, line 13].

As to claim 47, except the features recited in claim 45, Langseth further discloses that the one or more processing modules comprise one or more ports [e.g., the Channels 40 associated with the Data Distribution unit 42, Fig. 2A and associated texts; the Cisco PIX configuring processing, col. 21, lines 12-25].

As to claim 48, except the features recited in claim 47, Langseth further discloses that the one or more binding operators for creating the one or more connections to link two or more of the ports [e.g., the Internet binding processing of Fig. 7 and associated texts].

As to claim 49, the claimed feature – “at least one of the types are assigned to at least one of the ports” is met by the functions provided by ActiveX DLLs of MTS [e.g., col. 13, line 6-16].

As to claim 50, except the features recited in claim 49, Langseth further discloses that the system having: (a) a configure method for checking that the types on said ports that are linked by one of the connections are consistent [e.g., col. 20, lines 58-60].

As to claim 51, except the features recited in claim 44, Langseth further discloses that processing modules comprise: (a) a process data method to process the data [e.g., the method 10, Fig. 1 and associated texts].

As to claim 52, except the features recited in claim 51, Langseth further discloses that the subsystem executes the process data method [e.g., the unit 47, Fig. 3; Fig. 4 and associated texts].

As to claim 53, except the features recited in claim 44, Langseth further discloses that at least one datum of the data in the time series has at least one time stamp [e.g., the e-mail 22, Fig. 2A].

As to claim 54, except the features recited in claim 53, Langseth further discloses that the subsystem: (a) orders the at least one datum of the data according to the time stamp [e.g., the calendar like schedule processing, col. 7, lines 61-64]; and (b) provides the ordered at least one datum to the processing modules [e.g., col. 7, lines 64-67].

As to claims 55-56, except the features recited in claim 44, Langseth further discloses that the processing modules comprise one or more input and output ports [e.g., the units: 200, Fig. 2A and associated texts].

As to claims 57 and 58, except the features recited in claim 56, Langseth further discloses that the sub-processing modules further comprise: (a) at least one end of data method to indicate that no more data will be provided to the one or more input ports of the processing modules [e.g., the end of jobs and end of services queuing technique, col. 24, lines 4-6].

As to claim 59, except the features recited in claim 56, Langseth further discloses that the processing modules input at least one input datum of the data on the input ports, process the at least one input datum to produce at least one output datum, and output the at least one output datum on the output ports [e.g., Fig(s). 4-5 and associated texts].

As to claim 60, except the features recited in claim 59, Langseth further discloses that a build-up delay method that computes how much time the processing module needs before the processing module can output the at least one output datum that is meaningful [e.g., col. 4, lines 5 – 28].

As to claim 61, except the features recited in claim 59, Langseth further discloses that the processing modules further comprise one or more timer methods to process one or more timers [e.g., the calendar like schedule processing, col. 7, lines 61-67].

As to claim 62, except the features recited in claim 61, Langseth further discloses that the one or more timers indicate when the processing modules should output the at least one output datum on the output ports [e.g., col. 3, lines 9-32] .

As to claim 63, except the features recited in claim 62, Langseth further discloses that the processing modules compute an average of input data and output the average at its the outputs at time intervals [e.g., col. 3, lines 51-53].

As to claim 64, except the features recited in claim 63, Langseth further discloses that the time intervals are hourly [e.g., col. 4, lines 55-63].

As to claim 65, except the features recited in claim 59, Langseth further discloses that the processing module comprise: (a) at least one end of run method to indicate that the processing module should output any remaining the at least one output datum [e.g., the end-of-the-day market information checking processing, col. 5, lines 21-25].

As to claim 66, except the features recited in claim 65, Langseth further discloses that the first subsystem executes the end of run method [e.g., col. 5, lines 11-28]. .



### ***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: a) Fox et al. (U.S. Patent No. 6,883,101) which discloses a system with method for assessing the security posture of a network using goal oriented fuzzy logic decision rules; b) Satou et al. (U.S. Patent No. 5,802,254) which discloses a data analysis apparatus to process time series data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

June 1, 2005



**UYEN LE**  
**PRIMARY EXAMINER**